IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.13600 of 2004

Between:

The Gunrock Enclave Co-operative Housing Society Ltd. (Regd.No.TAB 203), Rep.by its President Col.(Retd.) N.Ranga Rao, S/o.Late N.V.Naidu, R/o.Secunderabad having its office at Plot No.11, Gunrock Enclave, Secunderabad.

...PETITIONER

AND

1. The Collector, Hyderabad District, Abids, Hyderabad.
2. The Joint Collector, Hyderabad District, Abids, Hyderabad.
3. The Deputy Director, Survey & Land Records, Hyderabad District, Abids, Hyderabad.
4. The Mandal Revenue Officer, Tirumalgherry, Secunderabad.
5. Lt.Col.V.K.Rao, General Secretary, The Army Welfare Co-operative Housing Society Ltd., (Regd.No.TAB 600), Sector A, A.W.H.O.Colony, Gowtham Enclave, Sikh Road, Secunderabad.
6. Col.H.S.Sethi, Project Director, The Army Welfare Housing Organisation (A.W.H.O.), C/o M.E.S.Office Complex, Mud Fort, Secunderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Mandamus

declaring the inaction on the part of the Respondent Nos. 1 to 4 in not issuing certified copies of the Panchanama conducted on 16.04.2004 in respect of Survey Nos. 157/8 and 157/1 of Thokatta Village, Tirumalgherry Mandal, Secunderabad in favour of the petitioner society as illegal, arbitrary and violative of the provisions of the Survey and Boundaries Act, 1923 and the Rules made there under apart from being violative of Article 14 of the Constitution of India and consequently direct the respondent Nos.1 to 4 to issue the same within a fixed period of time in the interest of law and justice.

Counsel for the Petitioner: MR.PANNALA SRINIVAS

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following:

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ORDER:

The only prayer made in this Writ Petition is to direct the third respondent to furnish a certified copy of the panchanama conducted on 16.04.2004 in respect of Survey Nos.157/8 and157/1 of Thokatta Village, Tirumalgherry Mandal, Secunderabad. At the time of admission itself, the learned Assistant Government Pleader for Revenue (General), on instructions, submits that the record has been forwarded by the Mandal Surveyor to the third respondent in connection with an appeal preferred by the sixth respondent. In that view of the matter, instead of keeping the Writ Petition pending, the Writ Petition is disposed of directing the third respondent to forthwith furnish a certified copy of the panchanama dated 16.04.2004, subject to the petitioner paying costs for the same. The third respondent shall comply with this order only if the petitioner has already made an application as alleged for such copy, otherwise, it shall be open to the petitioner to make fresh application under Section 11 (2) of the A.P.Survey & Boundaries Act, 1923.

The Writ Petition is accordingly disposed of.

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(V.V.S.RAO, J)

3rd August 2004

Note:

CC by 04.08.2004

B/O

RRB

Copies to:

1. The Collector, Hyderabad District, Abids, Hyderabad.
2. The Joint Collector, Hyderabad District, Abids, Hyderabad.
3. The Deputy Director, Survey & Land Records, Hyderabad District, Abids, Hyderabad.
4. The Mandal Revenue Officer, Tirumalgherry, Secunderabad.
5. Lt.Col.V.K.Rao, General Secretary, The Army Welfare Co-operative Housing Society Ltd., (Regd.No.TAB 600), Sector A, A.W.H.O.Colony, Gowtham Enclave, Sikh Road, Secunderabad.
6. Col.H.S.Sethi, Project Director, The Army Welfare Housing Organisation (A.W.H.O.), C/o M.E.S.Office Complex, Mud Fort, Secunderabad.
7. Two CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).
8. Two CD copies.